

Appl. No. : 09/989,833  
Filed : November 19, 2001

### REMARKS

Claims 22-34 remain pending in the present application. In the January 7, 2005 Office Action, the Examiner objected to Claims 25 and 32 as being dependent upon a rejected base claim. Claims 22-24, 26-31, 33 and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 08/868,877 to Karlak.

#### Discussion of Claim Objections

Claims 25 and 32 were objected to as being dependent on a rejected base claim, however the Examiner stated that Claims 25 and 32 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In order to expedite the allowance of Claims 25 and 32, Applicants have amended Claims 25 and 32 to respectively include all of the limitations of Claims 22 and 28. In view of the amendment to Claims 25 and 32 Applicants respectfully request that the Examiner withdraw the objections to Claims 25 and 32 and to allow Claims 25 and 32.

#### Discussion of rejections under 35 USC § 103(a)

The Examiner rejected Claims 22-24, 26-31, 33 and 34 under 35 U.S.C. § 103(a) as being unpatentable over Karlak. Applicants do not concede that Karlak is prior art for the purposes of 35 U.S.C. § 103(a). Nonetheless, for purposes of this response, Applicants will treat the Karlak as prior art. In order to establish prima facie obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. See MPEP § 2143.03. In this case, Karlak fails to satisfy this basic requirement. Applicants therefore traverse the rejection of Claims 22-24, 26-31, 33 and 34 under 35 U.S.C. § 103(a).

With respect to Claim 22, Karlak fails to disclose or suggest a “multilevel queuing system,” as claimed. Further, Karlak fails to disclose or suggest “a first queue level, including a first logical work queue”, and “a second queue level, including a plurality of second level work performer queues associated with the first logical work queue,” as claimed.

Instead, Karlak appears to teach the use of multiple single level queues. While the Examiner takes the position that the queues associated with controllers 512a, 512b (illustrated in Figure 5B of Karlak) are the first logical queue level, and that Agent 530 is a second queue level, the Examiner has inadvertently mischaracterized Karlak. Agent 530 does not even appear to include a queue. Instead, Karlak discloses at paragraph 113, that an “agent 530 in the application

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machines may select an indicator from the queue file of either controller machine 512A, 512B, such selection being random among the controller machines 512A, 512B, alternating between the controller machines 512A, 512 or using other selection techniques.” Thus, rather than teaching or suggesting multilevel queues as claimed, Karlak teaches the use of multiple single level queues (e.g., those associated with controller machines 512A, 512B).

Further, the Examiner takes the position that Karlak’s teaching is applicable to any machine and human automation tasks. In support of that position, the Examiner relies on paragraphs 2-11 of Karlak. However, the citation relied on by the Examiner does not refer to the system described by Karlak in the “SUMMARY OF INVENTION” or in the “DETAILED DESCRIPTION OF A PREFERRED EMBODIMENT”. Instead, the paragraphs cited by the Examiner appear to describe what Karlak considers the prior art. Still further, rather than disclose that systems or methods described in the “SUMMARY OF INVENTION” or in the “DETAILED DESCRIPTION OF A PREFERRED EMBODIMENT” are applicable to human tasks, Karlak appears to teach away from applying the systems and methods disclosed by Karlak to queuing human tasks.

For example, paragraph 6 of Karlak appears to teach that the use of humans to perform a task is undesirable: “[a] person who operates the applications to perform the task must be trained on the use of each application, driving up the costs of the task, or prohibiting the use of certain applications due to lack of training on their operation by available personnel.” Paragraph 9 teaches that it is therefore “desirable to more completely automates [*sic*] the task of operating and interpreting the results of multiple applications.” In addition, paragraph 15, which recites “It is desirable to identify a management mechanism for a distributed architecture for processing subtasks that does not require the complexity of a spooler, yet spreads subtasks to multiple machines in an orderly manner,” further indicates that Karlak is directed to spreading subtasks to multiple machines, rather than humans. Thus, because Karlak is not concerned with queuing tasks for humans, and because Karlak teaches that performing tasks using people is disadvantageous, there would be no motivation to modify the teaching of Karlak as proposed by the Examiner to schedule/distribute tasks in a human interactive process.

In addition, Karlak, even if modified as proposed by the Examiner, does not teach or suggest a multilevel queue, and so does not teach or suggest each of the claim elements recited

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by Claim 22, as discussed above. The Examiner has therefore failed to make a prima facie case of obviousness in rejecting Claim 22, and so Applicants traverse the rejection of Claim 22. Applicants similarly traverse the rejection of independent Claim 28.

In addition, in rejecting Claims 28-31 and 33-34, rather than provide a separate basis for the claim rejections, the Examiner merely stated that Claims 28-31 and 33-34 are similar in scope as that of Claims 22-24 and 26-27. Applicants respectfully traverse the Examiner's assertion that Claims 28-31 and 33-34 are similar in scope as that of Claims 22-24 and 26-27. By way of illustrative example and not limitation, with respect to Claim 32, none of the other rejected claims recite distributing work tasks to second level work performer queues based at least in part upon at least one of queue throughput statistics, locality, and/or a probability distribution. By way of further example, with respect to Claim 34, none of the other rejected claims recite determining that a first worker associated with the first of the plurality of second level work performer queues is unavailable based on at least one of queue size and/or elapsed time. Because the Examiner has failed to provide a basis for rejecting such claims, the Examiner has failed to make a prima facie case of obviousness.

### **Conclusion**

In view of the foregoing remarks, Applicants respectfully maintain that independent Claims 22 and 28 are patentably distinct over the cited art, and are in condition for allowance. Claims 23, 24, and 26-27, and Claims 29-31 and 33-34, which respectively depend from independent Claims 1 and 28 and further define Claims 1 and 28, are likewise patentably distinct over the cited art and are in condition for allowance. Applicants therefore respectfully request withdrawal of the rejection of Claims 22-25, 26-31, and 33-34, and request that the Examiner allow Claims 22-25, 26-31, and 33-34. In addition, previously objected to Claims 25 and 32 have been rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants therefore respectfully request the allowance of Claims 25 and 32.

### **Request for Telephone Interview**

If there are any issues that can be resolved by telephone, the Examiner is respectfully requested to call the undersigned attorney of record at (310) 407-3461 or at the number set forth below.

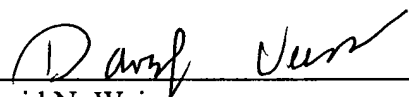
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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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